

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

KENYA BROWN,
Plaintiff,

v.

JOHNSON-JOHNSON PHARMACEUTICAL/
JANSSEN PHARMACEUTICAL, et al.,
Defendants.

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: CASE NO. 3:12-cv-701 (JBA)
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RULING AND ORDER

The plaintiff asks the court to exercise its supplemental jurisdiction and transfer a case he filed against the same defendant in state court to this court. The court construes the motion as a request for removal of the state court action to federal court.

Removal is governed by federal statutes. See 28 U.S.C. §§ 1441-1446. Only a named defendant has statutory authority to remove a case from state court to federal court. See 28 U.S.C. §§ 1441(a), 1446(a); Deutsche Bank Nat. Trust Co. v. Doe, No. 3:10-cv-1490(CSH), 2010 WL 4683923, at *2-3 (D. Conn. Nov. 4, 2010); see also Bui Phu Xuan v. Fort Worth Star Telegram, 277 Fed. Appx. 452, 454, 2008 WL 1976630, at *2 (5th Cir. 2008) (noting that a plaintiff could not remove a case because the removal statute only permits removal "by the defendant"). The plaintiff also is the plaintiff in the state court action. Thus, he chose the forum and cannot remove the case to federal court.

The plaintiff's motion [**Doc. #4**] is **DENIED**.¹

SO ORDERED this 26th day of September 2012, at New Haven,
Connecticut.

/s/

Janet Bond Arterton
United States District Judge

¹The court notes that the defendants in the state court action filed a notice of removal on September 26, 2012. See Brown v. Johnson and Johnson Pharmaceutical Inc., et al., No. HHD-CV12-5036434-S, <http://civilinquiry.jud.ct.gov> (last visited Sept. 26, 2012).